

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **SEN. MIKE WHEAT**, on March 12, 2003 at 3:07 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. John Cobb, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Kelly Gebhardt (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Lisa Gallagher, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: HB 563, 3/6/2003; HB 190, 2/24/2003
Executive Action: None.

DILLON ARMORY LAND TRANSFER

{Tape: 1; Side: A; Approx. Time Counter: 0.8 - 3.9}

Opening by Sponsor:

Jeanne Holmgren, DNRC, asked the Committee if there was any comments that they would like to make that she could take to the land board in regard to the Dillon Armory land transfer. She handed out to the Committee Section 77-2-351 of the Montana Code Annotated.

EXHIBIT (sts52a01)

She also handed out to the Committee a packet relating to the land transfer.

EXHIBIT (sts52a02)

Proponent's Testimony:

Scott Marsh, Beaverhead County, said that they worked out this deal and it will be really good for the high school. The residents have complained about the diesel fuel and now that will not be a problem. This will work out well for Dillon.

Ralph Dukunze, Department of Military Affairs, said that they came up with this proposal and it will be good for both Dillon and the Department. This is a win, win situation and he encouraged the concurrence of the Committee.

Debbie Barrett, Beaverhead County, said that she supports this proposal.

Discussion:

SEN. GEBHARDT asked **Jeanne Holmgren** if they had an appraisal done on the land. **Jeanne Holmgren** said, "No, because it is a transfer and not an exchange."

SEN. SQUIRES made a motion to recommend the transfer of land.

SEN. WHEAT recommended a resolution that approves the transfer of land to the Dillon Armory.

HEARING ON HB 563

{Tape: 1; Side: A; Approx. Time Counter: 10.8 - 12}

Sponsor: REPRESENTATIVE JEFF LASZLOFFY, HD 22, Laurel

Opening Statement by Sponsor:

REP. LASZLOFFY said that this bill deals with Montana election laws. It changes the absentee ballot process. With the language in this bill we will be ensured a timely receipt and it will streamline the process. This bill will save counties money and time.

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk and Recorders, said that what this bill does is eliminate the third party

absentee ballots. It also eliminates the printing and other costs when there are races that are not contested. The counties will not have to print the ballots in those cases. The ballots will be more simple.

Duane Winslow, Yellowstone County, said that when there is a third party handling the ballots we can run into problems, especially when it gets close to elections. This bill will save counties money, and Yellowstone County will save about \$6,000 to \$8,000 per year.

Sharon Tenney, Cascade County, said that they are in support of this bill. The Committeemen cost the county lots of money, and Cascade County will save about \$4,000 if they are eliminated.

Janice Doggett, Chief Legal Counsel for Secretary of State's Office, said that they are in support of this bill.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 20.4 - 22.9}

Pat Callbeck Harper, AARP, said that they are opposed to section 1 lines 14-18, because it would remove the third party assistance. This means that CNA, LPN's and other assistants would not be allowed to collect ballots. The AARP is an important body that votes and this bill is too strict. A better solution would be to urge the voters to take care and trust the person who handles their ballot.

Rita Blouke, League of Women Voters, said that they are opposed to this bill because of the removal of the third party process.

Sarah Cobler, ASUM, said that they are opposed to this bill because it inhibits their "get out the vote" program. They are trying to get students involved in the process of registering and voting and this bill will only make it harder.

Will Hammerquist, ASMSU, said that they are opposed to this bill because it will disenfranchise the voter absentee process, and Bozeman already has a very low voter turnout among young people.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.4}

Carol Juneau, HD 85, said that she is opposed to this bill because of the absentee provision. This bill will be a barrier to people registering and requesting an absentee ballot. Voting should be easy and accessible and this bill will cause the clerks

and recorders headaches. This bill is not trying to make the voting process easier.

June Herremanson, Montana People Action, said that they are opposed to section 1. This bill would be an exclusion instead of an inclusion; 17.5% of the electorate would be excluded because they would have to get a guardian so they could be involved in the voting process. This bill excludes people with disabilities.

{Tape: 1; Side: B; Approx. Time Counter: 7.2 - 13.4}

Brad Martin, Democratic Party, said that they are opposed to section 1. It is not necessary to pass laws that are obstacles to prevent fraud. There are two standards to uphold in the election process; 1) fraud, 2) easy to make possible to vote. If a third party collects the request for an absentee ballot it should not matter. The concern is how many vote and not how they vote. The electorate should not be punished because of potential fraud.

Beth Brennan, ACLU, said that access is important and their concern is with section 1 of the bill. It is important that CNAs, LPNs, friends, and neighbors are not excluded from helping; they should not be limited.

Verner Bertelsen, Montana Senior Citizens Association, said that they have concerns with section 1, and would like to see it eliminated.

Questions from Committee Members and Responses:

SEN. SPRAGUE asked **Duane Winslow** if he saw any problems with section 1 lines 14-18. **Duane Winslow** said that it has been blown out of proportion. It is a one to one situation that this way there is no risk involved. You send the request and we will send you the ballot.

SEN. SPRAGUE asked **Pat Callbeck Harper** if she encouraged the members of the AARP when they got the ballot request form to put it in an envelope and send it. **Pat Callbeck Harper** said that she agreed with him but because of the last sentence the AARP will not be able to send them in the mail.

SEN. SPRAGUE said that it will not restrict them. **Pat Callbeck Harper** said that a third party cannot collect the request forms.

SEN. SPRAGUE said that everyone has a mailbox. **Pat Callbeck Harper** said, "Yes, but a CNA will not be able to collect them,

and they read it that a relative has to deliver the request form."

SEN. GEBHARDT asked **Janice Doggett** if she was familiar with the term "power of attorney." **Janice Doggett** said, "Yes, they designate the authority that you will have."

SEN. GEBHARDT asked **Janice Doggett** if the power of attorney would have the authority to mail in the request form. **Janice Doggett** said, "Yes, if it was drafted correctly."

SEN. SQUIRES asked **Janice Doggett** if in drafting a power of attorney this would be a primary concern. **Janice Doggett** said, "Yes, power of attorneys are easy to draft."

SEN. SQUIRES asked **Janice Doggett** if she goes to a house and takes it to the mail is she in violation of this law. **Janice Doggett** said that if you are not family or a guardian then yes.

SEN. SQUIRES asked **Janice Doggett** what happens when you go door-to-door and some people do not have family. **Janice Doggett** said that they could mail it themselves.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.7}

SEN. WHEAT asked **Duane Winslow** if section 1 was trying to fix a problem. **Duane Winslow** said that there is a problem out there, and we should not wait for a train wreck before we fix the problem.

Closing by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 1.8 - 7.9}

REP. LASZLOFFY said that this bill is about the integrity of the process. This bill will help make people get personally involved in the process. If there is a concern about who is going to vote that is a concern of the family. Everyone has a mailbox and the applications should be handled by the electors. The legislature has make the election process easier. This bill makes it so votes count and there is no messing around with votes. This way no one will be disenfranchised with the process.

RESCHEDULE HEARINGS FOR HB 201 and HB 548

CHAIRMAN WHEAT announced that hearings for HB 201 and HB 548 would be rescheduled for March 19 at 3:00 p.m., room 335 due to time constraints today.

HEARING ON HB 190

Sponsor: REPRESENTATIVE CINDY YOUNKIN, HD 28, Bozeman

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Counter: 9.4 - 22}

REP. YOUNKIN submitted her written testimony.

EXHIBIT(sts52a03)

REP. YOUNKIN also explained to the Committee an amendment to HB 190.

EXHIBIT(sts52a04)

REP. YOUNKIN read a letter from Gallatin County.

EXHIBIT(sts52a05)

Proponents' Testimony:

Bob Brown, Secretary of the State, said that this bill helps the disabled people vote. An ID requirement will be applied uniformly and there is a provision in this bill from the provisional voter. If a person forgets their ID they will be able to vote and their ballot will be held onto until they return with an ID. They have 24 hours to provide an ID if they want their ballot to be counted. Voter information will be provided 30 days ahead of time instead of two weeks, and this will benefit the absentee voter because they will have their information and ballot at the same time.

Janice Doggett, Chief Legal Counsel for Secretary of State's Office, explained to the Committee a hand out on the Help American Vote Act of 2002.

EXHIBIT(sts52a06)

{Tape: 2; Side: B; Approx. Time Counter: 1.5 - 3.4}

Robert Throssell, Montana Association of Clerk and Recorders, said that this bill protects the integrity of the process. This bill meets the HAVA requirements and we need to do this because it is impossible to run two elections in the state.

Harold Blattie, MACO, said that this bill imposes the rules set by HAVA and they are good rules.

Tom Figarelle, Forward Montana, said that it is very important that everyone show ID, so no one is singled out. Another important part of this bill is the provisional ballots. And the last important part is the 30-day period. The voter will receive information and the ballot and the same time and the voter will be educated and informed to make a good vote, especially the young people.

Sharon Tenney, Cascade County, said that they are in support of HB 190 because we need the federal funding.

Don Hargrove, Gallatin County, said that this bill promotes understanding and will save money.

Vickie Zeier, Missoula County, said that the ID requirement is good because most election judges only work three elections a year, and no one will be singled out. There will be a huge affect on the youth if you single them out. She handed out to the Committee a sample of a voter ID card.

EXHIBIT (sts52a07)

Will Hammerquist, ASMSU, said that they are in support of this bill because we need to comply with HAVA, and students can use their student ID as appropriate identification.

Mary McMahon, Silver Bow County, said that they are in support of this bill. She also said that people are always surprised when they come to the Clerk and Records Office and they do not need to provide an ID. All voters should have to show an ID.

Duane Winslow, Yellowstone County, said that this is a good bill that promotes participation and protects the integrity of the process.

Opponents' Testimony:

{Tape: 2; Side: B; Approx. Time Counter: 16.3 - 18.3}

Pat Callbeck Harper, AARP, submitted her written testimony.

EXHIBIT (sts52a08)

Rita Blouke, League of Women Voters, said that they are concerned with the transition of the absentee ballots, and about having to sent a copy.

{Tape: 2; Side: B; Approx. Time Counter: 22.2 - 24.6}

George Ochenski, Confederated Salish & Kootenai Tribes, read a letter to the Committee from the Salish Kootenai Tribes.

EXHIBIT(sts52a09)

Carol Juneau, HD 85, said that she is opposed to this bill because she is opposed to the idea of having to present an ID to vote, and this is just another barrier to voting.

Matt Leow, MontPIRG, said that they are opposed to HB 190 because this bill has barriers in it that will discourage voter participation. They do support HAVA. They have a concern with having to show an ID because it will confuse those who have been voting for years when they have to present an ID.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.6}

Jeanne Souvigney, Montana Conservative Voters, said that they are concerned with the ID requirement, and think that only those who will be voting for the first time should have to show an ID. She also said that Montana will have problems with the provisional ballots.

Ed Eaton, Helena Election Judge, said that this bill is a solution in search of a problem. Montana has the highest voter turnout and he is concerned with the elderly having to show an ID.

Sarah Cobler, ASUM, submitted her written testimony to the Committee.

EXHIBIT(sts52a10)

June Herremanson, Montana People Action, said that the 45-day period should not be changed to 30-days. Shortening time limits access.

Brad Martin, Democratic Party, said that they have four concerns; 1)discrimination, 2)ID required for absentee ballot, 3)changing 45-days to 30-days, 4)the third party being eliminated.

Andrea Shipley, WEEL, said that absentee ballots help voter turnout and the days should not be cut from 45 to 30. Cutting the days by one-third will affect the least mobile.

Veronica Small-Eastman, HD 6, said that she is opposed to this bill because it limits the constitutional right to vote, and it also limits the handicap and elderly.

Beth Brennan, ACLU, said that they are concerned with the ID requirements because religious minorities like the Hutterites do not have ID.

Joey Jayne, HD 73, said that she is opposed to this bill.

Verner Bertelsen, Montana Senior Citizens Association, said that they are opposed to this bill.

Don Judge, Sierra Club, said that they are opposed to this bill.

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. YOUNKIN said that there are many forms of ID that are acceptable. Social security numbers and drivers license numbers are already on file with the government, and they are solely used by the government. The third party pick up of request forms for absentee ballots is already illegal, this law just clarifies it. This bill will maintain and enhance the voting in Montana. We have a problem in Montana and we need to take care of it before it becomes a bigger problem. There is no reason why we should not show our ID. Rights have corresponding responsibilities and fraud affects the integrity of the system. **REP. YOUNKIN** read an editorial from the Wall Street Journal to the Committee.

EXHIBIT (sts52a11)

Motion/Vote: **SEN. SQUIRES** moved that **RESOLUTION FOR DILLON ARMORY DO PASS**. Motion carried 5-0, by voice vote.

EXHIBIT (sts52a12)

Exhibits 13 and 14 were handed out to the Committee at the beginning of the meeting, but were not referred to.

EXHIBIT (sts52a13)

EXHIBIT (sts52a14)

ADJOURNMENT

Adjournment: 5:30 P.M.

SEN. JOHN COBB, Chairman

LISA GALLAGHER, Secretary

JC/LG

EXHIBIT (sts52aad)